REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 6, 11, and 16 are amended, and claims 9, 10, and 12-15 are canceled. Claims 3-8, 11, and 16 are pending. Claim 11 is allowed.

Claim 11 is amended to correct a clerical error. This amendment to claim 11 was not done to further distinguish over the cited references and does not raise new issues that would require further consideration and/or search.

Applicant appreciates the allowance of claims 6 and 16 if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 6 and 16 are amended to include all of the limitations of the base claim and intervening claims. Therefore, claims 6 and 16 are allowable.

Claim 3 stands rejected under 35 U.S.C. 102(e) as being anticipated by Schutz (US 6,688,638 B2). This rejection is respectfully traversed. Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For the reasons set forth below, it is respectfully submitted that Schutz does not disclose each element of claim 3.

Schutz does not disclose or suggest detent elements comprising a multiple component plastic. The passage cited by the Examiner at column 3, lines 52-60, of Schutz does not disclose or suggest detent elements comprising a multiple component plastic. This passage in Schutz discloses that either: **1)** the pin 32 can be metallic as shown and can have an insulation on the holding surface 42, or **2)** the

pin 32 can be plastic and the contact surface be provided with a metallization. The clear wording in Schutz is that of two alternative constructions, neither of which is directed to a pin having a multi component plastic construction. In Schutz, the pin is either insulated metal or plastic with a metalized surface. Schutz makes no mention of a multiple component plastic pin or portion thereof.

The Office action also states in the last sentence of page 5 that "The insulation (42) is provided (Reference is made to Figure 2a) and a metallization is provided on an alternate surface 40". This clearly mischaracterizes what is disclosed by Schutz. Schutz specifically discloses at column 3, lines 53-55, that the pin 32, as shown, is metallic and can have an insulation on the holding surface 42. Thus, Schutz explicitly discloses that Figure 2A shows the pin 32 being metallic with an insulation on the holding surface 42. Schutz goes on further to state that , alternatively, it is conceivable to construct the pin 32 with plastic and to provide the contact surface 40 with a metallization". Schutz explicitly discloses these as two mutually exclusive constructions. To combine these constructions as proposed in the Office Action goes against what is explicitly taught by Schutz and is clearly the product of impermissible hindsight reconstruction.

Also, in Schutz, the pin serves the purpose of being an electrical contact for a vehicle horn switch. Thus, both designs disclosed in Schutz require an electrically conductive component. In the first design, the pin is metal with an insulator for the non-contact portions of the pin. In the second design, the plastic pin is fit with a metallization in the area of the switch contact portion of the pin. Thus, to construe Schutz as disclosing a multiple component plastic pin would render the pin inoperative for its intended purpose. A multiple component plastic pin cannot serve

as a contact for a vehicle horn switch. Moreover, in the embodiment in Schutz where the plastic pin is fit with a metallization in the switch contact portion, an insulating material is unnecessary because the plastic pin itself provides the necessary insulation.

Also, at column 3, lines 58-61, Schutz teaches that the plastic pin is particularly advantageous where the carrier is also plastic so that the pin and the carrier can be molded together in one operating step. If the housing 22 and pin 32 of Schutz are molded in one operating step, one skilled in the art would certainly appreciate that, as with typical or normal molding processes, a single mold would be used to form both the carrier and the detent pin with one molten plastic material. Thus, both the carrier and detent pin would have to be the same material in order for the pin to be molded on the carrier in one step. Therefore, Schutz clearly does not teach or suggest a multiple component plastic pin.

Moreover, the Examiner's argument that the plastic pin of Schutz would still necessitate a holding surface of a material designed to limit rattling and noise amounts speculation at best. Schutz does not teach or suggest the need for the holding surface to be constructed of a different material in the plastic pin embodiment. In fact, the explicit teachings of Schutz make it quite clear that rattling and noise are addressed through the spring force urging the spring wire against the holding surface, not through a second plastic component used to form the holding surface. The passage cited by the Examiner at column 3, lines 18-26, makes this very clear:

> "Between the gas.bag module 12 and the steering wheel skeleton 10, spring elements 56 are provided, which are illustrated in FIG. 1 as compression

> springs. The compression springs 56 exert a force on the gas bag module 12 so that the spring wire 52 lies free of play against the holding surface 42 when the horn is not actuated. With this, a basic position is established and the gas bag module 12 is prevented from rattling and causing disturbing noises whilst travelling."

No reference is made to a second or different plastic component used to form the holding surface 42 of Schutz to prevent rattling. Rather, the springs 56 prevent rattling of the gas bag module 12 by exerting a force on the gas bag module 12 so that the spring wire 52 lies free of play against the holding surface 42.

Therefore, in view of the above-mentioned reasons, the rejection of claim 3 under 35 U.S.C. 102(e) is improper and should be withdrawn. Claim 3 is therefore allowable. Claims 4, 5, 7, and 8 depend from claim 3 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz in view of Worrell et al. (US 5,380,037). For the reasons set forth below, this rejection is respectfully traversed.

The M.P.E.P. sets forth the criteria for a rejection for obviousness as follows:

> To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

See, MPEP § 706.02(j) *citing* In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that claim 8 is patentable over Schutz in view of Worrell et al. because there is no suggestion or motivation in Schutz or Worrell et al. or in the knowledge of one of ordinary skill in the art to combine their respective teachings.

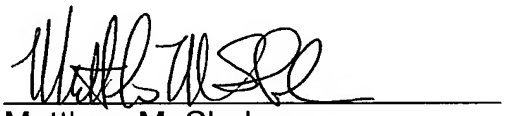
The Examiner has set forth no evidence in the record or in the references themselves to provide the requisite motivation or suggest to add the container 18 and pad 20 of Worrell et al. to the apparatus of Schutz. The Office Action merely states that it would be obvious to do "so as to increase the outward appearance and feel". However, this motivation is not provided in the references and the Examiner has provided no evidence of such motivation. In fact, the stated objective in Schutz is to provide a vehicle steering wheel with few components and a reduced installation expenditure (Col. 1, lines 18-20). To modify Schutz to include the container 18, pad 20, and fastener 22 of Worrell et al. would increase the number of components and complexity of the vehicle steering wheel of Schutz. Further, Schutz specifically teaches against taking up portions of the already confined space in the vehicle steering wheel. The container 18, pad 20, and fastener 22 of Worrell et al. would take up additional space if included in the steering wheel of Schutz. Thus, it appears that the motivation or suggestion in the teachings of Schutz is to avoid inclusion of the container and pad of Worrell et el.

Therefore, it is respectfully submitted that the obviousness rejection to claims 8 using Schutz and Worrell et al. only seems plausible using hindsight after having the benefit of the Applicants' disclosure, which is impermissible. For the reasons set

forth above, the rejection of claim 8 under 35 U.S.C. 103(a) fails to establish a prima facie case for obviousness, because there is no suggestion or motivation in Schutz or Worrell et al. or in the knowledge of one of ordinary skill in the art to combine the reference teachings of Schutz and Worrell et al. as proposed in the rejection of claim 8. Therefore, claim 8 is allowable for these additional reasons.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested. Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



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